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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,294	04/12/2001	Jennifer A. Battey	HE0142	4240

21495 7590 11/25/2003

CORNING CABLE SYSTEMS LLC
P O BOX 489
HICKORY, NC 28603

EXAMINER

HYEON, HAE M

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/834,294

Applicant(s)

BATTEY ET AL.

Examiner

Hae M Hyeon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 11-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruckner et al (5,546,495).

Bruckner discloses a closure 10 comprising a housing 24 having internal cavity and a plurality of ports 78 opening into the internal cavity receiving a plurality of cable 14, and a fiber management frame including a support 36 for holding at least one optical fiber connection tray and a bias member including a pair of tension members 62 extending toward the support member 36 so as to define an acute angle with the support 36. Bruckner teaches that the tension member 62 is for over wrapping splice trays 26 to prevent inadvertent dislodging of the splice trays (see column 4, lines 18-24). The tension member 62 releasably holds the splice tray 26. Figure 4 shows a first end of the tension member 62 being remote from the support 36 and a second end of the tension member 62 being proximate the support 62. Also, the second end includes an upturned lip, which can be facilitated lifting of the tension member 62.

Allowable Subject Matter

3. Claims 4-6 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed on September 23, 2003 have been fully considered but they are not persuasive.

First, the applicant argues that the safety straps 62 of Bruckner are not "tension members" or "bias members" because the safety straps 62 is made for example of fabric or Velcro material. The examiner agrees with the applicant, but the examiner disagrees that the safety straps 62 cannot be "tension members" or "bias members" because the claims simply recite "tension members" or "bias members." The claims do not recite the specific material for the "tension members" or "bias members." Therefore, there is no reason "tension members" and "bias members" can be made of fabric or Velcro material.

Second, the applicant argues that the safety straps 62 are not adapted for exerting a force having a component directed toward the support. The examiner disagrees because when the safety straps 62 are wrapped around the splice trays 26 tightly, the straps 62 will be in tension while engaging the splice trays 26. Therefore, the straps 62 can be "tension members" and "bias members." Furthermore, when the straps 62 are tightly wrapped around and engaged the splice trays 26, the straps 62 will exert a force having a component directed toward the support 36 because the straps 62 will press down the splice trays 26 toward the support 36.

Lastly, Figure 4 of Bruckner shows that the support 36 holds two splice trays 26 and the height of the trays extending higher than the height of the support 36. Therefore, when the straps 62 are tightly wrapped around the splice trays, the straps 62 will form an acute angle with the support 36 along an area around an edge of the splice trays 26.

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Thus, it is clear that the safety straps 62 Bruckner can be adapted to function as the claimed invention. Therefore, the examiner believes the rejection made in the First Office Action is appropriate.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 5,495,549 by Schneider et al. and US Patent No. 6,190,793 B1 by Barton et al.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hae M Hyeon whose telephone number is 703-308-4802. The examiner can normally be reached on Mon.-Fri. (8:30-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D Feild can be reached on 703-308-2710. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Any response to this action may be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

For additional information regarding this new address, which was effective May 1, 2003, *see Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

Or Faxed to:

(703) 308-7722 or 308-7724

(Informal or draft communications should be clearly labeled "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Crystal Plaza 4, Fourth Floor (Receptionist)
2201 South Clark Place, Arlington, Virginia.

Hae M Hyeon
Examiner
Art Unit 2839

hnh

